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ANNALS
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AMERICAN ACADEMY
OF
POLITICAL AND SOCIAL SCIENCE.

THE PROBLEMS OF MUNICIPAL GOVERNMENT.

I have chosen the subject of the municipal history of New York, because I think that in that history more than in any other source with which I am acquainted, one gets an idea of the true nature of what is called "the municipal problem." New York is not only the largest of American cities, but I think it may fairly be called—with all proper respect to the claim of Chicago—the typical American city; that is, the city in which the tendencies which make the government of American cities difficult, can best be traced. The evils with which reformers have to contend in New York are very much the same as those with which they have to contend everywhere. When we are discussing the municipal problem in New York, therefore, we are discussing the municipal problem of all our large cities. Each is trying experiments in the best manner of meeting these evils, but New York has been trying these experiments longer than any of them, and has tried more experiments. If I said that the modern world in seeking to govern cities by universal suffrage was sailing out into a sea, of whose extent or coasts

nobody knew anything, I should not be very far wrong. But certainly New York has gone further on this voyage of discovery than any other, has made more observations, and reached more conclusions, sorrowful or hopeful as the case may be. When I ask you to follow me down its history since 1821, therefore, I am asking you to assist at one of the most curious spectacles in history, the efforts of a great, prosperous, and Christian community to protect its religion and morality and property from ruin at the hands of a government of its own choice.

For this is the great peculiarity of our municipal problem to-day. As you know, the enemies which the cities of the modern world hitherto have had to fear, have been enemies from the outside—the monarch, the nobles, or other cities, or the domestic rabble. The enemy which the American city has to contend with are the officers whom it elects itself, whom it could avoid electing, and to whom, as a general rule, the majority of its voters are opposed. Consider for a moment what a point this peculiarity has reached in New York. That city is governed to-day by three or four men of foreign birth, who are very illiterate, are sprung from the dregs of the foreign population, have never pursued any regular calling, were entirely unknown to the bulk of the residents only five years ago, and who now set the criticism of the intelligent and educated classes at defiance. I might multiply illustrations of ostentatious indifference of this ruling class to the opinions and feelings of the better informed. The point to which I wish to draw your attention is, however, that these rulers, such as you see them, enjoy their power through the votes of a *minority* of the population, and in order to secure and maintain it, have never had to resort to any species of violence. We have had no tumults, riots, *coups d'état*, or armed seizures of power. Everything has been done decently, peaceably and in order, under the forms of law, and under the eyes of the freest and most inquisitorial press in the world.

Now, this is our municipal problem, or municipal puzzle I should rather call it. How does this state of things come about, and is it remediable? Is there any *permanent* solution of it for American cities, or for any of the cities of the world—for I suppose every one of them is destined at no distant date to be ruled, as some are now, by universal suffrage. I say “*permanent*,” because of course we are all familiar with the fact that *temporary* reforms are, and have been, achieved by what are called “*popular risings*,” such as occurred in New York in Tweed’s day, and in Brooklyn last fall. They consist in an outbreak of popular indignation caused by the increasing audacity of the wrong-doers, making abuses for the moment unbearable. But there are two objections to this method of reform. One is that all great outbursts of popular feeling are apt to be followed by a period of reaction, or apathy, during which the old evils resume their sway. The other is that you cannot follow the plan of letting things reach their worst before you seek to cure them, without making a whole generation so familiar with abuses that they seem to it part of the natural order of things, and when you ask for another indignant rising, you find your preachings fall on dulled ears. What we are seeking is some legal enactment, or state of public feeling, which the mere appearance of an abuse will at once bring into action and correct it, at the only time when the destruction of an abuse is easy—the time when it *first* makes its appearance.

One of the most interesting things in the history of New York, to the student of municipal government, is that when the Constitutional Convention met in 1821, to take stock, as it were, of the condition of the State after thirty years of independence, the idea that there was ever going to be a municipal problem does not seem to have occurred to any one, meaning by municipal problem, the difficulty of governing the city itself. In the report of the convention I can find only one mention made by any one of the possibility

of trouble arising out of the growth of New York, and that was by Mr. Kent, afterward the famous Chancellor, when arguing against the extension of the franchise which was then limited. But what troubled him about New York, was not any difficulty in governing the city itself, but the danger that it would eventually become the leading power in the State, and would use the power against the farmer or the "landed interest," as it used then to be called. Said he :

"What has been the progress of the city of New York? In 1773 it contained only 21,000 inhabitants; in 1821, 123,000 souls! It is evidently destined to become the London of America; and it is no hazardous prophecy to foretell that in less than a century *that city will govern the State*. And can gentlemen seriously and honestly say that no danger is to be apprehended from those combustible materials which such a city must ever enclose? Shall every department of the government be at the disposal of those who are often ignorant of the importance and nature of the right they are authorized to assume? The poor man's interest is always in opposition to his duty; and it is too much to expect of human nature, that interest will not be consulted."

This prevision has not proved literally true, but it has come very near the truth. After another apportionment, the cities of New York and Brooklyn, which are governed in much the same way, and complain of the same rule, and send the same class of men to the legislature, will in all probability have a majority in both houses, and thus literally rule the State. They have now nearly a majority. But as I have said, nobody at that time seemed troubled by the difficulties of city government except on one point—the exposure of private property to reckless appropriation at the hands of speculators in city improvements. Precautions against this were taken in the Constitution of 1821, which this convention drew up, and the Convention of 1846 followed its example. But in the Convention of 1846 there was the same indifference to the question of city government in general. One member only, Mr. Murphy, seemed to have made it a specialty, and he fought valiantly for a general act

of incorporation for municipalities, similar to that provided for banks and other commercial or industrial corporations. The corruption and demoralization wrought by the practice of special acts of incorporation for such institutions, was so great that a peremptory stop had to be put to it. But all efforts to procure the provision of a framework of city government in the Constitution of 1846 were fruitless. It made the suffrage universal, strengthened the provisions for the protection of private property against schemes of city improvement; but here it stopped. It left every city in the State at the mercy of the legislature, as regarded the creation or alteration of its charter—a tremendous oversight, as the result has proved.

But it was the legitimate result of the then state of opinion touching the relation of cities to the State. The country had had no experience of large cities. The assemblage of large masses of men in one spot, with peculiar needs in the way of police and sanitation, was a somewhat novel idea to the American mind. Boston was governed as a town down to 1825, and the pigs ran loose in the streets of New York down to 1840. It is very doubtful whether at that time, even if there had been any disposition to provide a general constitutional framework of city government, men could have been found competent to draft it, particularly as there was a strong disinclination in the Conventions of 1821 and 1846, to follow European models, even if there had been good European models to follow. But the work of municipal reform had only begun in Europe about 1830, and in fact there was more or less darkness through the whole world touching city government. The idea that the city was a stronghold, had not wholly given place to the idea of the city as a centre of great social and intellectual activity, and of commerce and industry. But it must also be said that there was not at that period any disposition on the part of the legislature to impose on cities any special form of its own devising. The principle of local self-government was

on the whole respected. Down to 1822, the mayor, as well as some other city officers, was appointed by the Executive at Albany, as he had been from Colonial days. But in that year the power of appointing him was made over to the Common Council, composed of the aldermen and assistant aldermen. In 1834, he was made elective by the people, but the legal people in the city at that period consisted, first of freemen or freeholders, and after 1834 of persons who had resided for six months within the city limits, and occupied a tenement worth \$25.00 annually. In 1842 all restrictions in the suffrage were swept away. These were concessions made by the legislature to the growing democratic feeling. With the exact form the charter was to take it did not interfere. Changes in the city charter were made by conventions elected by the city voters, who submitted their work to the popular vote, before asking the legislature to convert it into a law. One such convention was held in 1829, another was held in 1849. They were composed of the leading men in the city, and their debates were long and serious, and their work treated with a reverence which we now find it difficult to understand. The Common Council of New York in 1835, solemnly requested Chancellor Kent to prepare a treatise on "the powers and duties of the mayor, aldermen and assistant aldermen, under the charter of 1829," and he composed a good sized volume on the subject. He reminds the aldermen and the assistant aldermen, that "their trust is one of the gravest responsibility," that "they are bound to give a regular and punctual attendance at the board, and to discharge the duties which devolve on each member, diligently, intelligently and impartially." The assistant aldermen differed in the main from the aldermen in having no judicial or magisterial powers; they were simply the lower house of the municipal legislature, but one who knows Common Councils in our day reads with a smile the Chancellor's observation that, "the office would be pleasant and desirable to persons of leisure, of intelligence and of disinterested zeal

for the wise and just regulation of the public concerns of the city."

This failure to provide for the incorporation of cities under a general law, which has been so disastrous for the city and State of New York, is not general throughout the Union. It is only the following States which have still special powers of incorporation: New York, Michigan, California, Minnesota, Oregon, Louisiana, Nevada, Maine, Maryland, North Carolina, Texas and Alabama. The result of the absence of such a law in New York is that every legislature nowadays does something to tinker the charter, and in fact the tinkering of the charter is one of the principal moves in the game of politics as played in Albany. Since 1836, alterations in the charter have been made by legislation, without consulting the voters of the city, and without any official application of the corporation, in 1840, 1842, 1845, 1846, 1849, 1850, 1852, 1853, 1857, till we get down to the Tweed charter in 1870, which was in some respects an improvement on its predecessors, but was passed, without difficulty, for knavish purposes. In 1873, after his overthrow, the present or "reform charter" as it is called, has undergone many changes, but it is difficult without much research to separate them from the mass of general legislation. The two most important ones are the release of the mayor from the obligation to get his appointments to office confirmed by the Board of Aldermen, and the introduction of the competitive system into the selection of candidates for a large number of the minor offices. The reform charter, too, has made a change of which few people outside know anything, but which is, I think, a very ingenious device for the satisfaction both of popular suffrage and property. The assistant aldermen who were once the lower house of the city legislature have wholly disappeared. The aldermen, however, have been preserved. But their powers of legislation have been taken away from them. They have now only two powers—the bestowal of franchises on corporations which have to use

the streets in pursuing their business, and the granting of licenses to itinerant and sidewalk venders. Over the taxes they have no control whatever. They do not originate the city budget, and their approval of it is not necessary.

The law obliges the mayor to submit it to them, and allows them to make any observations on it they please, but they never make any, and nobody would pay attention to them if they did. Their power to grant franchises, is, I believe, a matter of some dispute among lawyers, but as the consent of the residents along the line of the proposed improvements, and of the Supreme Court, is necessary to its effectiveness, the aldermen's share in the matter is, as a rule, insignificant. The most important application ever made to them for a franchise was that of the promoters of the Broadway Railroad in 1887. The occasion proved so tempting, and their virtue so weak, that after they had granted it three of them were tried and sent to the State Prison, and several others fled the country. The city estimates of receipts and disbursements are all made by what is called the Board of Apportionment, composed of the heads of different city departments sitting with the mayor, as a sort of financial council. Their resolutions are in all cases final. Every one must be struck by the skill of this arrangement. The aldermen are still elected by their districts, and receive—for the work they do, and the class from which they come, an enormous salary—\$2000 per annum. The ambition of the local politicians is thus gratified, or satisfied, and they are furnished with a prize which makes ward politics interesting, and the voters are appeased by electing a branch of the old city legislature, at one time composed of the principal local notables. The device must certainly be considered a new departure in city government, but I think no one who has watched its work can help considering it a happy mode of saving the masses of property in a great city from the greed of a small body of needy, obscure and unscrupulous men. The Board of Apportionment is composed, as a rule, of men of a certain conspicuousness,

who are already performing important administrative functions, and through whose hands the great body of the taxes passes.

For the State legislature, the power of special legislation for the city must be considered extremely corrupting. The city of New York contains a very large body of what, to the legislature and to the class who fill them, are very highly paid officers. Consider what \$8000 a year for ten years as a police justice, must be to a "tough," or loafer whose highest ambition in life has been the keeping of a good grogery, or a small court clerkship; or \$12,000 a year as a health officer to a physician whose practice was confined to the treatment of a few servant girls. Over these offices and scores of others like them the legislature has complete control. It can create or abolish them, raise or reduce the salaries, lengthen or shorten the terms, and something of this sort it does at every session. Besides this power it has the still more money-making power, which it also exercises at every session, of "striking" the city corporations by proposals for the increase of their taxes, or interference of some kind with their business. Consider for a moment the effect of finding themselves in possession of such powers, on a body composed, as the legislature is in the main, of small traders, or farmers, or village lawyers, who are generally needy, or they would not go into politics, and who look on their term of service as a chance of fortune which may never, and rarely does, come to them again.

There is one thing connected with modern democracy, which attracts comparatively little attention, but has a very important bearing on the problem of municipal government, as well as of State government, which it seems proper to mention here. That is, that our modern experiment in democratic government is really an experiment in the government of rich communities by poor men. This experiment has never been tried before. In the mediæval and ancient world, as a rule, the rich were the governors; the men of

large property filled the highest places in the government. This was true even of the Republics of Greece and Rome in their most democratic days. It was true also of all other ancient communities of which we have any record. It was true of every country of Europe down to the French Revolution. The great landholders ruled the country; the great merchants ruled the town. But in our day the government has passed or is passing almost completely into the hands of the poor, while the masses of property in the hands of the rich, or within reach of the legislature, has enormously increased. There is a great deal to be said on this topic, some of it obvious enough. Its connection with modern socialism and anarchism I think might easily be traced. I must pass it by here, with a mere mention, but its bearing on the difficulties of city government in a democratic State seems plain.

The determination of the legislature to rule the city, that is, to impose charters on it without the consent or approbation of the inhabitants, first became apparent in 1857. It had two causes. One was the passage of the State into the hands of the then growing Republican party, while the city remained overwhelmingly Democratic. The other was the appearance in the city of the first of the demagogues, known as Fernando Wood, at the head of a large body of immigrant voters. Wood's origin, like that of all men of his class, was obscure. Where he came from, or what his beginnings were, was not known. There was a story current during the two campaigns which the good citizens carried on against him, that his first appearance in New York, was as the leg of an artificial elephant in a traveling show. He went into business here, however, and carried it on in the fashion of men of his kind. I happened to be in court when he was proved to have raised, as against his partner, in a joint shipping venture to California, all the bills sent in to him as ship's husband, by adding figures or ciphers, as might best suit the occasion. This little incident was made

very public in his canvass, but I never could learn that it injured him in the least. His distinction was that he was the first to perceive the use which might be made of the change which immigration had wrought in the character of the voting population of the city. In fact he may be said to have discovered the electoral value of the Irish. He organized them in such fashion that he was able for the first time to cast their vote solid, in the manner now so well known under Croker, McKane and the like, and thus made himself a power to be treated with, or overthrown. His methods were all corrupt, and the police were then wholly under him, and may be said to have been composed of the riff-raff of the population, the strikers, "heelers" and shoulder-hitters, who in those old days before registration were all powerful on election day.

His goings on, however, seriously alarmed the property holders who were then less familiar with bosses than they are now, and had not learned the various ways of turning away their wrath. So the Republican Legislature at Albany made up their minds to take charge of the city government, and made a beginning by taking the police out of the mayor's hands and handing it over to a commission appointed by the governor. The creation and maintenance of the Central Park was provided for in the same manner, and interference with the city government in the Republican interest continued all through the war, until about 1868, when Tweed began to rise into prominence as a successor to Wood. He showed the danger of the system by getting control of the legislature himself and having a charter enacted of his own drafting and to suit his own purposes. From that moment government of the city from Albany fell into a discredit from which it has never recovered, and which the events of every session fully justify.

At this point there appeared on the scene in the governor's chair, a man who in the field of federal politics has received a good deal of abuse, but whose service to his own

State can hardly be overestimated. I mean Samuel J. Tilden. If I called him the last of the New York Democrats, I do not think I should be far wrong. There remain behind many men in the party doubtless as able as he, and as eager for the public good, but there remains no man possessing the same influence over the party at large, and bred in its earlier and better traditions. He was fully conscious of the evils of special legislation for municipal purposes, and of the importance of providing a general framework of city government under which all the cities of the State might come. He appointed a commission in 1876, for the purpose of drafting a scheme of legislation for that purpose. This commission, after a year of incubation, reported in 1877 an amendment to the constitution, absolutely forbidding legislative interference "in the organization of or the distribution of powers in a city government or in the terms and tenure of office therein, except by an act passed upon the application of the city, made by resolution both of the Board of Aldermen and of the Board of Finance respectively, approved by the mayor, or by an act which shall have received the sanction of two successive legislatures."

The principal feature in this amendment, and the one which ultimately led to its defeat, was the Board of Finance. That board, which was to have the exclusive control of the city finances, was to consist of persons who should for "two years preceding the election have paid an annual tax on property owned by them, and officially assessed for taxation, of the assessed value of not less than \$500, or should have actually paid during the same period a yearly rent for premises occupied by them for purposes of residence or lawful business, of not less than \$250. It was to be elected by "qualified electors who for two years preceding the election should have paid a yearly rent on premises occupied by them as a residence or for business purposes, of not less than \$125." This property qualification for the

board of the electors caused the amendment to be dropped after having passed one legislature.

The considerations which led the commission to propose a Board of Finance, to be thus composed and elected, were simply those which govern the management of every other corporation. Directors or trustees of all other corporations are men who have a direct pecuniary interest in it, and it is considered desirable, on principles of human nature, that they should themselves be the possessors of some property, as a guarantee of care and responsibility in the management of that of other people. It desired, in short, to exclude from the management of the corporate funds absolutely penniless and obscure adventurers, such as, as a matter of fact, now climb into city offices, and such as no private corporation would think of employing in any capacity. In prescribing, also, a small property qualification for the electors of the board, they were much influenced by the wise provision of the English electoral laws, which require every voter to be a rate payer, that is, to pay some direct tax however small. For there can, I think, be no question, that the population of our great cities will never be got to believe that they pay taxes, or that the amount of the municipal expenditures makes any difference to them, unless the tax collector calls on them for a direct contribution to the public treasury. In fact a very large mass of the voters of New York, are in the mental condition of a genuine proletariat, that is, of a body which feels no interest in the amount of the public burdens, and looks on the wealth around them as the true and proper source of municipal expenditure. That they are made to contribute to the city outlay through their rent is very true, but you cannot bring the fact home to them. To them truly and literally, as to the schoolmen, things which they cannot see, do not exist. Neither party in the legislature was willing, however, to shoulder the responsibility of re-introducing that odious thing a property qualification, for any purpose whatever, although debts in the New York villages can

only be incurred by the vote of the taxpayers and although in all corporative undertakings of civilized men, except cities, the man who handles the money is expected to have an actual interest in its safe keeping and proper expenditure.

Since then no other attempt has been made to procure a general law for the incorporation of cities and I see no prospect of any. Both political parties consider the city government a very important centre in the political game, and neither would be quite willing to surrender the chance of it by putting the city out of reach. They divide the offices through "deals," and make changes in the charter without any regard to the needs or demands of the city population whose corporate existence, in fact, receives hardly any recognition from the State government. It is quite easy for the boss of either party, by coming to terms with his opponents, to have offices created and their terms lengthened for his special benefit. When the medical committee which advised the Chamber of Commerce during the cholera crisis in 1892, reported that the health officer was incompetent, his brother-in-law, Croker, retorted by going up to Albany and having the term doubled in length. And when some years ago the Republican boss wished to have some bills passed for his own benefit, he accomplished it easily by consenting to the creation of a large and wholly useless addition to the number of police justices, which Tammany appointed.

One other important change has occurred for which it is difficult to think of a legal remedy. One of the strongest correctives of the evils of universal suffrage is the habit of electing notables to the leading public offices. As long as there is a feeling in the popular mind that the man who has succeeded in business or in a profession, or in any of the lawful and respectable pursuits of the community in which he lives, has the best title to such offices as the mayoralty, you have an excellent guarantee against any very gross misuse of it. What I am about to say now is the more important, because the tendency in all the recent charters is to

increase the powers of the mayor. This is a reaction from the disposition of fifty years ago to make all offices elective, on the general ground that responsibility to the people directly was more readily felt and more easily enforced than responsibility to a single superior. From the earliest times, it has been the fashion of democracy when greatly perplexed or sorely tried, to put itself into the hands of a single ruler, or dictator, as he is technically called. And this tendency has shown itself plainly in the reformed charter of three of our largest cities—Philadelphia, Chicago and Brooklyn. In all of these the mayor has been made well-nigh omnipotent, that is, he has been given very extensive, if not complete, powers of appointment and removal. Everything, in fact, has been done to fasten on him the responsibility for everything that goes wrong in the city. And this has been done on the assumption that the voters, seeing the importance of the office, will take extraordinary pains to fill it creditably.

This system has failed in several instances to secure good government, but it has always made it clear why the government was bad. In New York where it is only imperfectly tried—for the term of the mayor's appointees are not co-terminous with his own, and he may therefore find himself hampered all through his term of office with his predecessor's selections—it has given us good government under Mayor Grace, bad government under Mayor Grant, and still worse government under Mayor Gilroy. In Brooklyn, on the other hand, where the system is in complete operation, it gave good government under Mayor Low, bad government under Mayors Boody and Chapin, and is now again giving good government under Mayor Schieren. The lesson of this is that no charter arrangement of offices, or power or responsibility, will compensate for the voter's negligence, partisanship, or wrong-headedness, and a most valuable lesson it is. But it also teaches that there is no cure for municipal evils so prompt and efficacious as the existence of a

powerful mayor. The very failures of the system bring this home to the people. For when as in New York, they elect a bad mayor, in the persons of Grant or Gilroy, or as in Brooklyn, in the persons of Boody or Chapin, the consequences of this negligence or folly and the remedy for it are at once made manifest.

I have said that the adoption of this system made the personal character of mayor very important, or rather I should say, made very important, the voter's notion of what good personal character is. As a general rule, in the older communities, success in business or in a profession, or generally acknowledged good social standing of some kind, has been, hitherto, treated as a legal qualification for high municipal office. The advantages of this rule are that it insures a candidate being well known to the community which he is to administer, and it insures, also, a period of probation for the public service. If a man has been long before the community as a business man, or as a lawyer, or doctor, or teacher, and has won respect for his manner of following these callings, it raises a strong presumption of fitness for the duties of the mayor or common councilman. It is, in other words, so valuable an indication in the selection of candidates that down to our day it has been almost uniformly used in all the great civilized countries. Even in New York it continued in use, except in the case of Fernando Wood, down to 1890. The mayor was invariably, with that exception, a local notable. Even under Tweed, the Mayors Hall and Hoffman were taken from, if not the front rank of the legal profession, at least a very respectable position at the bar. The other mayors of both early and recent times, were well-known merchants or traders of some kind. Even Tammany Hall did not venture to depart from this practice, before 1890. Our two best recent mayors, Mr. Hewitt and Mr. Grace, were Tammany nominees.

In 1890, "the organization" as it is called, attempted the first break in it, by nominating an illiterate and obscure

man, without any regular calling, from its own ranks, and I think, without very great hopes of electing him. But his election was accomplished, through the nomination of a third candidate by the Republicans. It was no sooner done than every intelligent observer perceived that a great step had been taken in the degradation of the city government. The discovery that the election of such a man was possible was really a notice to the criminal and vicious classes that their day at last had come; that, in short, what Tacitus calls the *arcانum imperii* had been revealed to the multitude. Their expectations were fully justified, for the new mayor at once proceeded to fill all the offices which fell vacant during his term with adventurers of the lowest character, hardly one of whom had ever been heard of by the public until his appointment was announced. And so rapid was the decline which followed in the public standard, that this same mayor was re-elected and made many more appointments of the same sort, and was succeeded by another man of the same category, who made worse appointments still, being emboldened by his predecessor's impunity. This was all done, too, with full knowledge of the mayor's powers and amid the denunciations of the press.

This shows, I think, that system is not a defence against gross abuses, but it is a very instructive and educating experiment in government. It shows that nothing can take the place of character in city government, no laws, or checks, or charters, that, in fact, the main difficulty in getting good municipal government is the difficulty of getting good men to take the offices. This is emphatically the difficulty in New York. The main trouble is that the official class is a low class, without either social, business or pecuniary responsibility. The office holders, too, are nearly all banded together, to make the meddling of the better class with the city affairs, difficult, or tiresome, or unprofitable. The police captain of the precinct, the justice of the police court, and the district leader of the Tammany organization are all leagued together

to keep the poor in subjection and prevent the rich from interfering. Their means of annoyance for a poor man are endless. They can arrest him on small pretenses, prevent his getting employment from the city, or city contractors, pursue him for allowing his goods to remain on the sidewalk, and for not cleaning off the snow promptly, tax him heavily, or let him go free. All these means of persecution are freely resorted to, so that the poor, and especially the foreign poor, are really as much in subjection to Tammany as the Italians to the Camorra. The source of it all is the character of the mayor. He appoints the police commissioners, and the commissioners appoint the captains, and he appoints the police justices also, and is responsible for their quality. When the act under which the present justices act was under consideration in the legislature, the proviso that all appointees should be lawyers of a certain standing at the bar, was stricken out, so that the mayor has a completely free hand in selection, and the result is that most of those appointed recently under the Tammany régime are old "toughs," liquor dealers, gamblers, or simple adventurers, who have lived from the age of twenty by holding small offices, such as doorkeepers or clerks of the minor city courts.

Now there is nothing in the moral sphere of city government so important as what I may call the administration of petty justice, that is, justice among the poor, ignorant and friendless, the class who cannot pay lawyers or find bail, and especially that very large class in the cities on our eastern coast, of poor foreigners who know nothing of our laws and institutions, and to whom the police magistrate or the police captain represent the whole government of the country, Federal, State and municipal, who accept without a murmur, any sentence which may be pronounced on them, or any denial of justice which may overtake them. They get all their notions of the national morality, and really their earliest political training, from their contact with these officers and with the district leader. Upon their experience with these

people it depends very much what kind of citizens they will become, they and their children after them. Well, one of the very first lessons they learn is that they can have no standing in court unless they are members of the Tammany Society, or as simple voters, they have a "pull," that is, some sort of occult influence with the magistrate. In default of this these complaints are dismissed, and they are found guilty and sent up to "the Island," or held in bail which they cannot procure, or in some manner worsted. No help comes to them from the publicity of the trials, for the public does not attend the police courts, and the newspapers only report police cases of a sensational kind. In defence of this system, the theory has been lately put forward that the proper magistrates for such people are men of their own kind, that is, saloon keepers, pugilists and quondam "toughs," who have lived among the street poor and know their ways. This might be true if in the knowledge of their ways the magistrate combined character of his own and might be depended on to do justice. But the trouble is that the judicial character is not to be found in the class which lives in the poor city population. Prisoners, paupers, lunatics, poor people and Indians, are entitled above all others to the best morality that society can supply. The notion that any kind of magistrate, jailer or agent is good enough for them, because they are sure not to complain cannot stand with that other and far nobler one which lies or ought to lie, at the foundation of every modern state, that we owe good government to everybody, that nobody can by any sin of commission or omission lose his right to justice. That is really the only really inalienable right. In this field there is no American city which is not very defective. Little or no attention is given by the better class of the public to the qualifications of the police magistracy, and the result is that our police bench is the astonishment of all foreigners who come in contact with it. That of New York is probably the worst of any; every attempt to elevate it has thus far failed. The one now pending,

which would impose on the judges of the Supreme Court the duty of making up an eligible list from among the members of the bar, to which the mayor would be confined in making his appointments, is the most attractive I have yet heard of, but I am afraid its chances in the legislature are small, so firmly wedded are the politicians of both parties to the spoils system, so reluctant are they to have any office surrounded with qualifications.

All these questions I have been discussing become, in a certain sense, magnified by the rapid growth of the city in size. There is under consideration at this moment—in fact it is to be submitted to the popular vote next fall, a project for uniting New York and Brooklyn, the one containing a million and the other two millions of inhabitants. Should this scheme be carried out, which is not unlikely, the city of New York, or Greater New York, as they have already begun to call it, would begin to press close on the heels of London in size, and, if it were not incommoded and restricted by the frontier of New Jersey, at its doors, would, I think, speedily equal London.

As regards this growth of cities in size which promises to be the most remarkable phenomenon of the modern world, it is to be observed that we can as yet see practically no limit to it. It must be remembered that the growth of the cities of the ancient and mediæval world was retarded, by their dependence on the surrounding country for the means of subsistence. Everything they needed had to be brought to them painfully and slowly by horse wagons. They accordingly seldom went far afield for their daily bread. The drafts of Rome on the corn of Sicily were even in the days of her greatest splendor, made very precarious by winds and waves and pirates. The neighboring farmer had to be every city's greatest reliance. It could only grow as fast as he could supply its needs, and the result was that in a thousand years neither Paris nor London ever got beyond one million of population. This is all now changed. Every city since

the introduction of steam and electricity draws on the uttermost ends of the earth for the sustenance of its inhabitants. London gets its beef and wheat from America, and its mutton from Australia, and New York gets its fruits and vegetables from California and Florida. And, as if in recognition of this fact, all the country in the neighborhood of the great cities is in a measure being drained of their farming population by the city. There is a steady stream of rustics into all the large cities, in search of the society, the amusements, and the chances—above all the chances,—which city life affords. Education, cheap literature, and the railroads have apparently made country life increasingly distasteful to all who have risen above the rank of what used to be called peasants, a class which is rapidly disappearing in every country. For this movement I have as yet seen no remedy suggested which does not seem fanciful. Unfortunately nearly all the published reasons for living in the country come from people who themselves live in the city. They preach what they do not practice, and the country people perceive the inconsistency, and reject the advice. I met some time ago in New York an elderly man who had sold a good farm on the Hudson, which had been in his family for two hundred years, to come to New York to take a place as conductor on the Fourth Avenue Railroad. All the influences and agencies which affect public opinion work against country life. The letters of the New York correspondents of the country papers which paint a man's day in the city as a period of fierce excitements, and absorbing entertainments, and the society columns of the New York papers completely turn the rural head. The young men and women long to plunge into this vortex of gaiety, and their dreams have a certain substance given to them by the history which every village boy knows, of the young man who left that very neighborhood a penniless adventurer, and is now a bank president, or the monarch of a great dry goods store.

That this movement is in some respects an evil one, that the country population has been in all free countries the best support of steady and orderly government; is, I think, now a general opinion. There is as much lamentation over it in France and England as here. The legislation in favor of small holdings in England, and the establishment of Parish Councils are meant to counteract it by making the country more attractive to the working classes. But side by side with this attempt to get people to stay in the country, there is a steady addition to the attractions of the city. All parties are now vieing with each other in every country to increase the seductions of city life. The socialists of various shades, and especially the Christian socialists, and in fact all the philanthropists of all schools, are eager to make cities more agreeable to the poor. What with parks, gardens, baths, wash houses, cheap transportation, free music, reading rooms, libraries and clubs, hospitals, lectures, it seems as if the great aim of modern society was to fill the cities. Out of this state of things rises one of the most difficult problems with which the municipal reformer has to deal. To oppose the sanitation and embellishment of our greatest centres of population and of civilization, the places in which most of the work of civilization is done, in which, in truth, all the forward movements of civilization are made, is simply impossible. A city can hardly be made too beautiful or attractive, if the money to do it with is to be had. We must accept as inevitable the growth of our cities in attractiveness as places of abode from all points of view, the philanthropic as well as the æsthetic. It is impossible, too, to meet the arguments of those who say that wherever you have great masses of men congregated together, it is the part of wisdom as well as of charity to make their lot as easy as possible, to care for their health, and for their education in all the civilized arts. I confess, therefore, that I know of only one way of meeting this dilemma and that is to make the government of cities as good as possible, to meet it as the most solemn, the most

difficult, but also the most imperative of all the political duties which our age imposes on the modern man.

Now why is the government of American cities difficult? What the future may have in store for them I do not know, but it is my conviction that if there be any value in the experience of New York, the reason is simply the persistent effort to administer them on party lines. I do not believe that there is any city, this side of the Alleghanies certainly, in which the good people, that is, the sober, intelligent and industrious, who desire pure elections and the honest administration of the laws, are not in a majority. Good government, therefore, is within their easy reach. They have only to stretch out their hands for it in order to have it. Well, why do they not have it? Simply because they never, or only very rarely, vote together. They regularly split in city affairs, and the dangerous classes, the enemies of social order as regularly, do not split. These latter are the only persons who, as a rule, at municipal elections, vote on municipal issues. They are the only persons who in going to the polls at such elections have no object in view except to affect the government of the city. The respectable classes vote about the tariff, about Chile, about Hawaii, about the currency, about everything except the city. The others vote simply about the municipal affairs. Out of this has come, after a long course of years, in New York certainly, the repulsive spectacle which our municipal government now presents, of crime and ignorance installed in nearly every municipal office. The educated and well-to-do have for nearly forty years made a practice of using the city elections, as what are called "straws" or indications of how Federal elections are likely to go, or as a preparation for Federal elections. The Republicans, for instance, have been accustomed for long years to use candidates for the mayoralty simply "to keep the party together," as the phrase is, in readiness for the presidential election. Taking this view of the city government they have of course seen no objections to "deals," with

the dangerous classes touching city offices and measures, as long as these "deals" kept the party in good condition for the quadrennial struggle for the presidency. Time and again, attempts to elect good mayors have been foiled by these tactics, and things have now reached such a point that it is extremely difficult to get any good Democratic candidate to run against a Tammany candidate, so sure does he feel that he would not receive the Republican vote. In 1890, when the city was finally delivered to Tammany, the Republicans refrained by agreement from nominating a candidate in opposition to the reform candidate, but 30,000 of the registered voters stayed away from the polls on election day.

During the war, and perhaps for awhile after the war, this readiness to use the municipality for Federal purposes was perhaps excusable. Federal issues were then tremendous, and any means of setting them right seemed lawful. But the war has been over for nearly thirty years and the practice has not disappeared. The tariff seems almost equal to the war as a stimulus to party passions, and it has with us, largely for some years past taken the place of the war as an obstacle to the consideration of municipal questions on their merits.

If I could look forward to a tariff which nobody would attack and everybody would accept as a finality, I would feel more confident than I do of the solution of the municipal problem through the union of good men in defence of municipal interests. But as long as there is in Federal politics a question so burning as the tariff, one by which so many angry passions are aroused, and around which so many fierce prejudices play freely, I confess I shall fear for the success of what I conceive to be the fundamental remedy for municipal ills. The remedies on which I have hitherto touched, such as the increased power of the mayor, are only secondary.

The only fundamental remedy I can see, is the formation and growth of what I may call the municipal spirit. This

spirit if it ever existed has gone clean out of American political manners. The idea that the city should be set apart from State and Federal politics and governed wholly without reference to them, is now as foreign to the popular mind as the idea of a civil service filled by merit was twenty-five years ago. I remember about that date trying to explain this latter to a United States senator in Washington and after hearing me with a politeness slightly tinged with contempt, his sole observation was—"A Prussian notion, isn't it?" Association of ideas, you know, is as powerful in politics, as in other fields of human activity. It is most human to doubt the possibility of things which we have not seen, or the success of agencies which we have not tried. The Duke of Wellington's famous question, when the Reform Bill was under debate in 1832—"How was the king's government to be carried on?" if the old system was swept away, was a most natural product of the Anglo-Saxon mind. For there is no doubt that in matters of government there may be such a thing as too much imagination, too great readiness for novelties, and this unreadiness for new ideas in politics is a trait of the American mind which I should be sorry to see wholly disappear. But the administration of a city like a bank or an insurance company or a railroad company, in complete independence of party, is a novelty which must be embraced if we are to have anything like permanent reform in city government. At present very few people have any other idea of reform in city affairs than putting their own party in power. I was talking shortly after the late election in Brooklyn, and the triumph of the better element, with one of its citizens about the possibility of the new plan, and he asked me, what to him was a most serious question, namely—On what at elections except on party lines, you could nominate mayors? And I found on further inquiry, that he conceived the nomination of mayors by Republicans and Democrats a permanent feature of city government, and that the way of reform lay in occasional desertions of

Republicans to the Democratic side, and of Democrats to the Republican side. My answer was that he must get out of his head the idea that each of the two parties must make a nomination at every election; that a sound condition of public opinion in a city would make the renomination of a good mayor a certainty, and prevent a contest at any election, except over the question of the candidate's character or business standing. This seems just now a somewhat fantastic picture of municipal life. It belongs strictly to the order of ideas which politicians call visionary, but without it you cannot have any city reform which will not be transient and illusory. There is nothing against it, nothing to make it a vain hope, except custom. It is the way to which all human experience points, as the way of success in corporate undertakings the only way in which the general morality and intelligence of the community can be brought to bear effectively on city business. That there is a reasonable prospect of it, I judge from the increasing interest in questions of municipal government, which is just now greater than I have ever seen it. There is, I think, a growing perception that the present condition of city governments in the United States, is bringing democratic institutions into contempt the world over, and imperiling some of the best things in our civilization.

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